



Disability Services Beacon

Information and Resources from the Fairfax Area Disability Services Board

Educating Children with Disabilities

For most children, fall means going back to school. In Fairfax County alone, over 166,000 students are educated in 235 schools and centers. More than 23,000 of these students are students with disabilities. They receive special education services so that they can benefit from the public education provided to them and their non-disabled peers.

Before the *Brown v. Board of Education* case in 1954, African-American children were discriminated against and segregated in inferior schools. Children with disabilities also received an inferior education, if they were educated at all. Until 1975, over a million children with disabilities were excluded from public schools throughout the United States. Over half of the students with disabilities who did attend school did not receive the services they needed to benefit from that education.

The Education for All Handicapped Children Act of 1975, sought to open school house doors to children with disabilities and to provide them with the special education and services they needed to succeed in school. In 1990, this law was replaced by the Individuals with Disabilities Education Act, or IDEA as it's known. It was last amended in 1997 and is currently being amended by Congress. IDEA applies to all children from birth to age 22 but does not cover higher education. The law has four parts, A through D. Most people are familiar with Part B, which provides for the education of children in preschool until graduation from high school. Part C of the law provides early intervention services for infants and toddlers with disabilities. In addition, each state has its own regulations that build on or amplify the federal law.

The purpose of IDEA is to "ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living." This idea of a free appropriate public education is often referred to as FAPE. By focusing on an appropriate education, not the best possible education, IDEA sets the floor for educating students with disabilities, not the ceiling. Because of its purpose, much of IDEA focuses on the provision of services that will help students transition to independent living after their education ends.

Another keystone of IDEA is least restrictive environment, or LRE. LRE provides for children to be educated alongside their non-disabled peers "to the maximum extent appropriate" but allows for "special classes, separate schooling, or other removal of children with disabilities" if the child cannot be educated in regular classrooms even with aids and services. Mainstreaming and inclusion have been ideas and educational movements that have dealt with the issue of LRE. Fairfax County Public Schools has been working to provide services to more students with disabilities in the least restrictive environment, setting as a target that "all schools will increase their ability to serve students with disabilities in general education classrooms.

To receive services under the IDEA, schools must evaluate students in order to determine if they are eligible for special education services. A student is eligible if the student is a "child with a disability" as defined by the law and "who, by reason thereof, needs

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special education and related services.” Special education and related services are intended to level the playing field for children with disabilities that cannot benefit from school without these services.

Once a child is found eligible for special education under IDEA, a team of people develops his Individualized Education Plan or IEP. The IEP team includes the child’s parents, school personnel, and the child when appropriate. In essence, the IEP must include statements about the child’s current educational performance, what educational goals the child will work toward, and the services and accommodations that will help the child achieve those goals. As the student gets closer to graduation, the IEP must also contain information about services to help the student transition to life after school.

IDEA also helps children and families by providing them with protections known as procedural safeguards. A partial list of those rights includes the right to an independent evaluation of the child; receiving prior written notice when the school proposes to meet

or change services; parental consent for starting, ending, or changing services; where and how the child receives services if the school and parents can’t agree on services; and how to resolve conflicts through complaints, mediation, and hearings.

The Individuals with Disabilities Education Act is not the only law that affects students with disabilities. Having a disability is not enough to be eligible for special education. For example, a child who uses a wheelchair because of an amputation would be a child with a disability, but if that disability does not interfere with her ability to benefit from her education, she would not be eligible for special education. But she does need access to the school building and its program. Section 504 and the Americans with Disabilities Act (ADA) are civil rights laws that also apply to students, including students in public and private colleges and universities, since they allow students access to programs and services in schools and higher education. The Rehabilitation Act of 1973 Section 504 guarantees students with disabilities access to public education facilities and programs, since those programs receive federal funding. A 504 plan, as it’s known, lays out the accommodations that the student needs in order to get a public education.

In addition, the federal Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records. The law applies to all schools that receive funds from the U.S. Department of Education. FERPA gives parents rights over their children’s education records. These rights transfer to students after age 18 or when they attend a school beyond the high school level. In short, FERPA gives parents and students the right to examine education records; ask schools to correct education records; and give permission in order to have schools to release education records.

Knowing the laws that affect students with disabilities doesn’t guarantee a successful education. But it does provide parents and students with the tools they need to understand how special education works, their rights, and what to expect from schools.

Available Special Education Resources

In Fairfax County, the **Office of Special Education** administers special education programs. A good deal of information is available on their Web site, www.fcps.edu/DSSSE/spedhome.htm or by calling 703-324-7750, TTY 711. Within the Office of Special Education, the **Parent Resource Center (PRC)** provides support and resources to parents of children with disabilities. Their central office in Dunn Loring has books, articles, and videos available for loan. One of their publications is the *Special Education Handbook for Parents*, which is available through the PRC and online. There are two satellite offices at Poplar Tree and Hayfield Elementary schools. The Web site for the PRC is at www.fcps.edu/DSSSE/prchomep.htm. The PRC can be reached by calling 703-204-3941, TTY 703-246-3956. In addition, the PRC announces events and workshops through a newsletter and by the school system's e-mail notification system, *Keep in Touch* from the main Web page for the schools, www.fcps.edu. City of Falls Church residents can reach their public schools at 703-248-5600, TTY 711.

The **Virginia Department of Education** administers the statewide special education program through its Division of Special Education and Student Services. Their Web site at www.pen.k12.va.us/VDOE/sped has a wealth of information about issues at the state level such as standards of learning assessments (SOLs), due process and complaints, and statistics on students with disabilities in the state. In addition, the Web site contains the latest special education regulations for Virginia. To reach the state, callers can contact the office for parent resources at 1-800-422-2083 or TTY 1-800-422-1098. *A Parent's Guide to Special Education* is available online and by calling the state.

The Individuals with Disabilities Education Act (IDEA) requires that states establish special education advisory committees to the state boards and departments of education. The law requires that the majority of

committee members be parents of children with disabilities or people with disabilities. The purpose of the advisory committees is to identify gaps in services and suggest improvements, focusing on systemic issues and not individual situations. Activities of the **state advisory committee** are made public on the Virginia Department of Education's Web site, www.pen.k12.va.us/VDOE/Instruction/Sped/sseac.html. Information about the **local advisory committee** for Fairfax County can be found at www.fcps.edu/DSSSE/prc/prcadcomm.htm or by calling the PRC.

Each state also has a parent training and information center for the state. In Virginia, that center is the Parent Educational Advocacy Training Center, known as **PEATC**, based in Springfield but serving the entire state. Information about PEATC can be found on their Web site, www.peatc.org, or by calling Voice/TTY 703-923-0010. Two co-founders of PEATC wrote the guide to special education, *Negotiating the Special Education Maze: A Guide for Parents & Teachers*, available at bookstores.

Another source of information about the laws that affect students with disabilities is **Wrightslaw**. Pete and Pam Wright teach seminars on educational laws throughout the US and provide free information through their Web site at www.wrightslaw.com. In addition, their popular book *Wrightslaw: Special Education Law* contains the text of IDEA, Section 504, and FERPA, with annotations.

At the national level, the **Office of Special Education Programs (OSEP)** is responsible for carrying out the provisions of IDEA on the national level. Their Web site can be found at www.ed.gov/about/offices/list/osers/osep/index.html, and includes a link to the text of the IDEA law and regulations.

Si Ud. necesita información en español,
llame a Carmen Sánchez al
703-324-5868, TTY 703-449-1186.

The Next DSB Meeting is

on the second Monday
of the month, 7:30-9:30 p.m.

Government Center
12000 Gov. Ctr. Parkway
Fairfax

Meetings are open to the public; public comment, no more than 3 minutes in length, is welcome during the public comment period. For information or to request accommodations, please call 703-324-5421, TTY 703-449-1186, or send an e-mail to disabilityservices@fairfaxcounty.gov.

Get Weekly Disability News

Disability Services E-News is a listserv that keeps subscribers informed about resources and issues that affect people with physical and sensory disabilities.

The listserv sends out one brief e-mail each week. The listserv is the primary vehicle for publicly announcing meetings and activities of the Disability Services Board and will in the future tell you how to get online issues of the *Disability Services Beacon*.

To subscribe, simply go to www.fairfaxcounty.gov/email/lists/. Fill in your e-mail address, click on the box before "Disability services and news," (listed under Human Services) and then click subscribe. You will be sent an e-mail asking you to respond in order to finish subscribing. You must respond to this e-mail and write "ok" in the body to complete the subscription.

Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services, and activities. This document is available in alternative formats upon request. Please call 703-324-5421 or TTY 703-449-1186, or send an email to disabilityservices@fairfaxcounty.gov. Allow 7 working days for preparation of the material.

Fairfax Area Disability Services Board
12011 Government Center Parkway
Suite 708
Fairfax, Virginia 22035-1104